



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/776,293

02/11/2004

Brett B. Stewart

WP.00109US

3532

86219 7590 08/04/2010

AT&T Legal Department - DY

Attn: Patent Docketing

Room 2A-207

One AT&T Way

Bedminster, NJ 07921

EXAMINER

HOANG, HIEU T

ART UNIT

PAPER NUMBER

2452

MAIL DATE

DELIVERY MODE

08/04/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/776,293	Applicant(s) STEWART, BRETT B.	
	Examiner HIEU HOANG	Art Unit 2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-2, 4-20, 25-32, 44-46, 63-69, 84-91, 127-138, 176-177, 188 is/are pending in the application.
- 4a) Of the above claim(s) 11-20 and 127-138 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-10, 25-32, 44-46, 63-69, 84-91, 176, 177 and 188 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/29/10</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed on 07/15/2010.
2. Claim 188 is new.
3. Claims 3, 21-24, 33-43, 47-62, 70-83, 92-126, 139-175 and 178-187 are cancelled.
4. Claims 1-2, 4-20, 25-32, 44-46, 63-69, 84-91, 127-138, 176-177, 188 are pending.

Response to Amendment

5. The double patenting rejection has been maintained. Applicant has not acted on the double patenting rejection since it was a non-provisional double patenting.

Response to Arguments

6. Applicant's arguments on the 35 U.S.C 103 rejection have been fully considered but they are moot in view of new ground(s) of rejection.

Double Patenting

7. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims

Art Unit: 2452

are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

8. Claims 1-2, 4-20, 25-32, 44-46, 63-69, 84-91, 127-138, 176-177, 188 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 170, 172-173, 177-178, 180-182, 184-213 of copending Application No. 11/391,631 as of 01/22/2009 (hereafter '631). Although the

Art Unit: 2452

conflicting claims are not identical, they are not patentably distinct from each other because:

9. For claim 1, '631 teaches determining a geographic location of a computing device coupled to a network managed by a service provider via an access point ('631, claim 172); receiving identification information indicating a user of the computing device ('631, claim 170, user profile); determining third party information of a third party that is dependent on the geographic location of the computing device ('631, claim 170, advertisement provider); transmitting, via the network and access point, content to the computing device, wherein the content comprises a message to the user from a business promoting goods or services of the business relating to the geographic location of the computing device and wherein the message is selected based on the identification information and the third party information ('631, claim 170, advertisement provider provides ads through the access point at the user location based on the access point location).

Claim 172 of '631 does not explicitly disclose the third party is not the service provider or the user; and the business is not the service provider or the user.

However, claim 188 of '631 discloses the third party is not the service provider or the user; and the business is not the service provider or the user ('631, claim 188, information provider is not WAP provider or user)

It would have been obvious to one skilled in the art at the time of the invention to have combined the teachings of claims 172 and 188 of '631 to have business advertisement to be sent from an information service provider or third party distinct from

Art Unit: 2452

the network service provider. The motivation would be to allow location-based third party services via the network and to provide earnings to the third party by providing the services.

10. Independent claims 11, 25, 30, 63, 84, and 127 are obvious variances of claim 1 and are therefore rejected for the same rationale.

11. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-2, 4-6, 9-10, 44, 188, 25-30, 32, 45-46, 63-69, 84-91, 176-177 are rejected under 35 U.S.C. 103(a) as being unpatentable over Singer et al. (US 5,485,163, hereafter Singer) in view of Muffat et al. (European Cooperation on Dual Mode Route Guidance-Perspectives for Advanced Research Partners, hereafter Muffat, cited in IDS).

Art Unit: 2452

14. For claim 63, Singer discloses a method of using geographic locations of one or more access points to service one or more users who are in a vicinity of the one or more access points, the method comprising:

establishing a connection between a computing device and at least one of the one or more access points managed by a service provider (fig. 1, abstract, access points 20, 22, 24, handheld device 6 or portable device on user 4, fig. 2, steps 64-68, col. 4, l. 19-32, signaling between personal locator unit PLU and an access point, col. 3 l. 5-9, cellular service comprising many BTS);

providing a geographic location of the at least one of the one or more access points to an information provider after said establishing (col. 4 l. 19-22, location of the base station BTS or access point is forwarded to the HLR—home location register);

receiving information from the information provider, wherein the information is dependent upon the geographic location of the at least one of the one or more access points and a content of the information comprises a message targeted to a user of the computing device with information relating to the geographic location of the computing device and wherein the message is selected based on the computing device and the geographic location of the at least one of the one or more access points (fig. 2 step 72, HLR sends back formatted information (col. 2 lines 39-42) based on the location information of the access point to a subscriber's device, via the access point); and

transmitting the information to a portable computing device through said one of said one or more access points (fig. 2 step 72, HLR sends back formatted information

Art Unit: 2452

(col. 2 lines 39-42) based on the location information to a subscriber's device, via the access point).

Singer does not disclose that the two devices are one combination or can be used as a combination on one user.

However, it would have been obvious for one skilled in the art at the time of the invention to modify the teachings of Singer to incorporate the two devices or use two devices on one user/wearer in order to provide location services to the PLU wearer so that the user can use both functionalities of the PLU and the receiving device to track his own location and/or receive location-based information.

Singer does not disclose the message is from a third party or a business promoting goods or services of the business relating to the geographic location of the computing device; and the business is not the service provider or the computing device.

However, in the field of location-based navigation, Muffat discloses using beacons for calculating and providing routes to destination a user device (p. 930, left col., route computation using infrastructure side); wherein user device receives messages from a third party business promoting goods or services of the business relating to the geographic location of the computing device; and the business is not the service provider or the computing device (fig. 3, page 934, left column, information services such as promotions of hotels, garages, gas stations, pharmacies... sent to user mobile device)

It would have been obvious for one skilled in the art at the time of the invention to apply Muffat's teachings of navigation and location-based services to Singer's teachings

of location reporting. The motivation would be to provide navigation service and information services that are useful and mostly related to the user's location to the user.

15. For claim 1, Singer discloses a method for providing geographic-based information, the method comprising:

determining a geographic location of a computing device coupled to a network managed by a service provider via an access point (col. 4 l. 19-22, location of the base station BTS or access point is forwarded to the HLR—home location register; col. 3 l. 5-9, cellular service comprising many BTS);

receiving identification information indicating a user of the computing device (fig. 2 step 54, col. 3 lines 1-5, subscriber has identification and device identifier);

transmitting, via the network and access point, content information to another computing device, wherein the content comprises a message to the user and the content relating to the geographic location of the computing device and wherein the message is selected based on the identification information (fig. 2 step 72, HLR sends back formatted information (col. 2 lines 39-42) based on the location information to a subscriber's device, via the access point).

Singer does not disclose that the two devices are one combination or can be used as a combination on one user.

However, it would have been obvious for one skilled in the art at the time of the invention to modify the teachings of Singer to incorporate the two devices or use two devices on one user/wearer in order to provide location services to the PLU wearer so

Art Unit: 2452

that the user can use both functionalities of the PLU and the receiving device to track his own location and/or receive location-based information.

Singer does not disclose: determining third party information of a third party that is dependent on the geographic location of the computing device, wherein the third party is not the service provider or the user; the message is from a business promoting goods or services of the business relating to the geographic location, the message is selected based on the third party information, wherein the business is not the service provider or the user.

Muffat discloses determining third party information of a third party that is dependent on the geographic location of the computing device, wherein the third party is not the service provider or the user; the message is from a business promoting goods or services of the business relating to the geographic location, the message is selected based on the third party information, wherein the business is not the service provider or the user (p. 930, left col., route computation using infrastructure side; fig. 3, page 934, left column, information services such as promotions of hotels, garages, gas stations, pharmacies... sent to user mobile device).

It would have been obvious for one skilled in the art at the time of the invention to apply Muffat's teachings of navigation and location-based services to Singer's teachings of location reporting. The motivation would be to provide navigation service and information services that are useful and mostly related to the user's location to the user.

16. Claim 84 is rejected for the same rationale as in claim 1.

17. For claim 25, Singer discloses a geographic-based information system, comprising: a network managed by a service provider (col. 3 l. 5-9, cellular service comprising many BTS); one or more information providers coupled to the network; one or more access points coupled to the network and arranged at geographic locations in a geographic region, wherein a first access point of the one or more access points in proximity to a plurality of computing devices is operable to communicate with the plurality of computing devices (fig. 1, BTS 20 is an access point at location of the user device) information are provided through the network and via the first access point to the at least two computing devices (fig. 2, col. 3, l. 1-42, col. 4, l. 19-46, providing location messages to user devices based on different user locations related to access points of a cellular network, different user devices are supported).

Singer does not disclose: third party information of a third party that is dependent on the geographic location of the computing device, wherein the third party is not the service provider or the user; the first information is based on the third party information, and wherein the first content comprises a message from a first business relating to the geographic location of the first access point; the second information is based on the third party information and wherein the second content comprises a message from a second business relating to the geographic location of the second access point.

Muffat discloses: third party information of a third party that is dependent on the geographic location of the computing device, wherein the third party is not the service provider or the user (fig. 3, page 934, left column, services such as hotels, garage... at

Art Unit: 2452

user location, not the network provider); the first information is based on the third party information, and wherein the first content comprises a message from a first business relating to the geographic location of the first access point (fig. 3, page 934, left column, services such as hotels, garage... at user location, not the network provider); the second information is based on the third party information and wherein the second content comprises a message from a second business relating to the geographic location of the second access point (p. 930, left col., route computation using infrastructure side; fig. 3, page 934, left column, information services such as promotions of hotels, garages, gas stations, pharmacies... sent to mobile devices, fig. 2, messages to different devices).

It would have been obvious for one skilled in the art at the time of the invention to apply Muffat's teachings of navigation and location-based services to Singer's teachings of location reporting. The motivation would be to provide navigation service and information services that are useful and mostly related to the user's location to the user.

18. For claim 30, Singer discloses method of providing a geographic-based information in a geographic-based communication system managed by a service provider, wherein the geographic-based communication system uses a geographic location of a first access point of one or more access points to service one or more users in a vicinity of the first access point, the method comprising:

establishing a first wireless communication link between a first computing device and the first access point (fig. 2, step 52, user connection to network access point);

Art Unit: 2452

identifying a first user of the first computing device in response to said establishing the first wireless communication link (fig. 2 step 54, user identification); establishing a second wireless communication link between a second computing device and the first access point (fig. 2, step 52, user connection to network access point, multiple users are supported since each user has a personal identification); identifying a second user of the second computing device in response to said establishing the second wireless communication link (fig. 2 step 54, user identification); determining the geographic location of the first access point (fig. 2, step 68-70, find location of access point); providing the geographic location of the first access point to an information provider (fig. 2, step 70, forwarding location to HLR); transmitting first information from the information provider to the first computing device via the first access point (fig. 2, step 72, sending formatted location information to the user device via access point), wherein a first content of the first information is dependent upon the geographic location of the first access point, and said identifying the first user (fig. 2, step 72, sending formatted location information to the user device based on access point location and user ID); and transmitting second information from the information provider to the second computing device via the first access point (fig. 2, step 72, sending formatted location information to the user device via access point), wherein a second content of the second information is dependent upon the geographic location of the first access point (fig. 2, step 72, sending formatted location information to the user device based on access point location and user ID), wherein the second content is different from the first content (fig.2, steps 52-54, different users have different location content).

Singer does not disclose:

the first content is dependent on third party information of a third party that is dependent upon the geographic location of the first access point; wherein the third party is not the service provider or the first user; wherein the first content comprises a message to the first user from a first business relating to the geographic location of the first computing device; and the second content is dependent on third party information of a third party that is dependent upon the geographic location of the first access point, wherein the third party is not the service provider or the second user; wherein the second content comprises a message to the second user from a second business relating to the geographic location of the computing device.

Muffat discloses: the first content is dependent on third party information of a third party that is dependent upon the geographic location of the first access point; wherein the third party is not the service provider or the first user (fig. 3, page 934, left column, services such as hotels, garage... at user location, not the network provider); wherein the first content comprises a message to the first user from a first business relating to the geographic location of the first computing device (fig. 3, page 934, left column, information services such as promotions of hotels, garages, gas stations, pharmacies... at the user location sent to mobile devices); and the second content is dependent on third party information of a third party that is dependent upon the geographic location of the first access point, wherein the third party is not the service provider or the second user (fig. 3, page 934, left column, services such as hotels, garage... at user location, not the network provider); wherein the second content

Art Unit: 2452

comprises a message to the second user from a second business relating to the geographic location of the computing device (p. 930, left col., route computation using infrastructure side; fig. 3, page 934, left column, information services such as promotions of hotels, garages, gas stations, pharmacies... sent to mobile devices, fig. 2, messages to different devices).

It would have been obvious for one skilled in the art at the time of the invention to apply Muffat's teachings of navigation and location-based services to Singer's teachings of location reporting. The motivation would be to provide navigation service and information services that are useful and mostly related to the user's location to the user.

19. For claim 2, Singer-Muffat further discloses the content includes weather information (Muffat, page 934, hazard warning).

20. For claim 188, Singer-Muffat further discloses the content is further dependent upon demographic information of the user of the computing device (Singer, col. 3 l. 32-42).

21. For claim 4, Singer-Muffat further discloses the demographic information indicates the content is desired by the user (Singer, col. 3 l. 32-42).

22. For claim 5, Singer-Muffat further discloses the computing device transmitting the identification information indicating the user of the computing device (Singer, fig. 2, steps 52-56).

Art Unit: 2452

23. For claim 6, Singer-Muffat further discloses said determining the geographic location comprises receiving information regarding a geographic location of the access point (Singer, fig. 2, step 68).

24. For claim 9, Singer-Muffat further discloses the geographic location of the access point is determined by its proximity to another geographic location (Singer, col. 3 l. 40-42).

25. For claim 10, Singer-Muffat further discloses the computing device is a portable computing device (Singer, fig. 1, mobile phone).

26. For claim 44, Singer-Muffat further discloses receiving a destination; wherein the content indicates a route from the geographic location of the computing device to the destination (Muffat, p. 934, left col., route guidance).

27. For claim 26, Singer-Muffat further discloses a memory coupled to the network which comprises geographic location information comprising geographic locations of each of at least a subset of the one or more access points (Singer, col. 4 l. 25-32, lookup table).

28. For claims 27, 89, 90, Singer-Muffat further discloses a memory coupled to the network which comprises geographic location information comprising a local map of an area of each of at least a subset of the one or more access points (Singer, col. 4 l. 25-32, Muffat, fig. 3, map).

29. For claims 28, 91, Singer-Muffat further discloses the network includes one or more of a local area network and a wide area network (Singer, fig. 1, Muffat fig. 2).

Art Unit: 2452

30. For claims 29, 32, 69, 85, the claims are rejected for the same rationale as in claim 10.

31. For claims 45, 86, the claims are rejected for the same rationale as in claim 2.

32. For claim 46, Singer-Muffat further discloses wherein said establishing said first wireless communication link includes identifying a user of the first computing device; wherein the content is dependent upon said identifying the user (Singer, fig. 2, steps 52-56).

33. For claim 64, Singer-Muffat further discloses the information provider selecting the information based upon the geographic location of the at least one of the one or more access points, wherein said selecting is performed prior to said transmitting (Singer, fig. 2, steps 68-72).

34. For claim 65, Singer-Muffat further discloses the computing device transmitting a message indicating presence of the computing device within a vicinity of the at least one of the one or more access points (Singer, fig. 2, step 66, location signal of device in vicinity of access point); the information provider determining if a service is required upon detection of the message (Singer, fig. 2, step 72, col. 2 lines 39-42, HLR formats the location information if needed); and the information provider initiating provision of the service in response to the information provider determining that the service is required (Singer, fig. 2, step 72, HLR forwards the formatted location information to the user device).

35. For claims 66, 87, Singer-Muffat further discloses the information comprises travel information (Muffat, fig. 3, route).

Art Unit: 2452

36. For claim 67, Singer-Muffat further discloses the travel information indicates a route from the geographic location of the at least one of the one or more access points to a destination (Muffat, fig. 3, route).

37. For claims 68, 88, Singer-Muffat further discloses the information comprises a nearest location of a service provider relative to the at least one of the one or more access points (Muffat, fig. 3, closest parking).

38. For claim 176, Singer-Muffat further discloses at least a portion of the content is capable of being displayed to a user of the computing device (Singer, col. 3 l. 32-42).

39. For claim 177, Singer-Muffat further discloses the computing device is a portable computing device configured to be readily carried by a user (Singer, fig. 1, portable PLU and phone).

40. Claims 7, 8, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Singer in view of Muffat, further in view of Labedz et al (US 5,608,854, hereafter Labedz).

41. For claim 7, Singer-Muffat further discloses the geographic location of the access point is determined by accessing a database, wherein the database comprises information including the geographic location of the access point (Singer, col. 4 l. 25-32, lookup table). Singer-Muffat does not disclose a MIB. However, Labedz discloses a MIB in cellular networks for storing information (col. 3 l. 49-60). It would have been obvious to one skilled in the art at the time of the invention was made to apply Labedz's MIB to

Art Unit: 2452

the teachings of Singer-Muffat. The motivation would be to take advantage of a MIB being a known and standardized database management solution.

42. For claim 8, Singer-Muffat-Labedz further discloses the access point comprises a portion of the MIB, wherein the portion comprises information including the geographic location of the access point (Singer, col. 4 l. 25-32, lookup table).

43. Claim 31 is rejected for the same rationale as in claim 7.

Restrictions by Original Presentation

Claims 11-20, 127-138 are directed to an invention that is independent or distinct from the invention originally claimed (claims 1-2, 4-10, 44, 188, 25-32, 45-46, 63-69, 84-91, 176-177) for the following reasons:

Claims 11-20, 127-138 are drawn to a method for providing content to a device based on location of the access point, comprising receiving, via a first access point of the one or more access points, a geographic location of the first access point from a computing device operated by a user and communicatively coupled to the first access point. The step of receiving a geographic location of the first access point from a computing device operated by a user is not originally presented and/or distinct and not obvious over the original claim presentation, wherein geographic location of an access point is determined by a MIB (management information base) associated with the

Art Unit: 2452

access point and not determined by or sent from a user device (see e.g. original claims 7, 8...)

Originally presented claims 1-2, 4-10, 44, 188, 25-32, 45-46, 63-69, 84-91, 176-177 are drawn to a method/system for providing content to a device based on location of the access point in communications with the device through the access point; wherein the geographic location of the access point is determined by accessing a MIB, not by a user device.

The inventions are independent or distinct because claims to the different inventions recite the mutually exclusive characteristics of such inventions. In addition, these inventions are not obvious variants of each other based on the current record.

There is an examination and search burden for these patentably distinct inventions due to their mutually exclusive characteristics. The inventions require a different field of search (e.g., searching different electronic resources, or employing different search queries); and/or the prior art applicable to one inventions would not likely be applicable to another inventions; and/or the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph (e.g., lack of support in the specification for the step of receiving geographic location of the access point from the user device).

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 11-20, 127-138 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Conclusion

44. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

45. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu Hoang whose telephone number is 571-270-1253. The examiner can normally be reached on Monday-Thursday, 8 a.m.-5 p.m., EST.

Art Unit: 2452

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on 571-272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HH/

Examiner, AU 2452

/THU NGUYEN/

Supervisory Patent Examiner, Art Unit 2452